

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ZENAIDA CORDOVA,

Plaintiff,

v.

GREG RODRIGUEZ, et al.,

Defendants.

Case No. 1:24-cv-00482-JLT-HBK (PC)

ORDER DIRECTING PLAINTIFF TO SHOW
CAUSE UNDER FEDERAL RULE OF CIVIL
PROCEDURE 4(m)

AUGUST 14, 2025 DEADLINE

This matter was reassigned to the undersigned magistrate judge on July 3, 2025, and is before the Court following review of the file. (*See* Doc. No. 28). Plaintiff filed her complaint on April 23, 2024. (Doc. No. 1). The Clerk of Court issued summonses for Defendants on April 24, 2024. (Doc. No. 4). On August 30, 2024, counsel for Defendant Michael Pallares entered an appearance. (Doc. No. 14). On October 1, 2024, Defendant Pallares filed a motion to dismiss in response to Plaintiff's complaint. (Doc. No. 16).

Noting that "no proofs of service indicating that the operative complaint in each matter [related to this case] was served on the appropriate defendant(s) ha[d] been filed with the Court," on November 12, 2024, the previously assigned magistrate judge ordered Plaintiff's counsel to "inform the Court why he has not filed the appropriate proofs of service with the Court" or, alternatively, file the proofs of service within seven days. (Doc. No. 23). On January 2, 2025, the Court issued a second order after Plaintiff failed to respond. (Doc. No. 25). On January 6, 2025,

1 Plaintiff filed a response. (Doc. No. 26). Plaintiff requests that Officer Gregory Rogriguez
2 remain a Defendant because he has been served by Plaintiff (*Id.* at 2), however, no proof of
3 service as to Rodriguez has been filed. (*See generally* docket). Federal Rule of Civil Procedure
4 4(m) requires a plaintiff to serve a defendant within 90 days of filing the complaint. The time
5 may be extended for good cause shown. If a defendant is not served within the requisite period,
6 after notice to plaintiff, the court must dismiss the action without prejudice, or order that service
7 be made within a certain time period. (*Id.*) (emphasis added). Because more than 90 days have
8 passed and it appears only Defendant Pallares has been served a copy of the complaint and
9 summons, Plaintiff is directed to show good cause why Defendant Gregory Rodriguez should not
10 be dismissed under Rule 4.

11 Accordingly, it is **ORDERED**:

12 1. Within fourteen (14) days of the date on this Order, Plaintiff shall show good
13 cause why Defendant Rodriguez should not be dismissed under Federal Rule of Civil Procedure
14 4(m).

15 2. Failure to respond to this order will result in the recommendation that Plaintiff's
16 claims against Defendant Rodriguez be dismissed without prejudice without further notice.

17
18 Dated: July 31, 2025


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE